

#498
BILL NO. G-92-02-19

GENERAL ORDINANCE NO. G- 17-92

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a street thereof.

WHEREAS, a petition to vacate a public street within the
City of Fort Wayne (as more specifically described below) was
duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-4-
12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public street within the City of Fort Wayne, more specifically
described as follows, to-wit:

Kuhlman Street between Moore Drive and Hillegas Road
(between lots 19, 20, 25 and 26 in Pierce Park Addition)
as recorded in Plat Book #10, pages 88-89 December 21,
1923 in the Office of the Recorder of Allen County,
Indiana.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.

C. R. Edmond

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley

J. TIMOTHY MCCAULAY, CITY ATTORNEY

#498

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** Public hearing to be held on _____,
the _____ day of _____, 1992,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

FOUR STAR BOND
SOUTHWORTH CO. U.S.A.

Read the first time in full and on motion by Edmonds, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-25-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by _____, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-14-92. Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-17-92 on the 14th day of April, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of April, 1992, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of April, 1992, at the hour of 8:45 o'clock A. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 10878

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 1-13 19 92

FW Baptist

RECEIVED FROM *Adam B. Jones, James Starnes, Patrick Carr, Temple* \$ *100.00*

THE SUM OF *One hundred* ¹⁰⁰ DOLLARS

ON ACCOUNT OF

4045 2326 *Vacation Kuhlman Street*

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE *Tax*

Date Filed: 1-13-92

Vacation Petition

I/We James D Starnes
(Applicant's Name or Names)

PETITION TO VACATE Kuhlman Street
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Street with the City of Fort
Wayne, Indiana, and hereby described as follows:

Kuhlman Street between Moore Drive and Hillegas Road (between lots 19,20,25
and 26 in Pierce Park Addition), as recorded in Plat Book #10, pages 88-89
December 21, 1923 in the office of the Recorder of Allen County, Indiana.

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

1. Petitioners are the only owners of real estate bordering both sides of the
(street Kuhlman Street). 2. That Kuhlman Street is not necessary as
ingress or egress to other properties whatsoever. 3. That Kuhlman Street is
unopened and unimproved. 4. That no person, firm, or corporation is interested
in or affected by the requested vacation. 5. That the maintenance of Kuhlman Street
(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
Street be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 2 DAY OF January 19 92

James D Starnes
Adjacent Property Owner
Typed Name

2737 W Wash. Ctr Rd Lot 242 46818
Address Zip

James D. Starnes
Signature

489-9550

ELDON F BIEBER
Adjacent Property Owner
Typed Name

2820 HILLEGAS Rd 46805
Address Zip

Eldon F. Bieber
Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

is not necessary or advantageous to the growth of the City of Fort Wayne,
and that it would be to the best interest of the City and the citizens thereof.

Owners of Adjacent Property:

<u>CATHERINE A. PAYTON</u>	<u>29th MOORE DR.</u>	<u>Catherine A Payton</u>
<u>VAUGHAN E. HANNICUTT</u>	<u>FORT WAYNE BAPTIST TEMPLE 3200 HILLEGAS RD.</u>	<u>Chairman, District Board</u>
		<u>Joseph E. Hannicutt</u>

<u>Adjacent</u>	<u>Property</u>	<u>Address/Zip</u>	<u>Signature</u>
<u>Owners TYPED Name</u>			

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

James D Starnes
Name

2737 W Washington Ctr Rd Lot 242
Street Address

Fort Wayne Indiana 46818
City/State/Zip

(219) 489-9550 (Evening)
Phone

Daytime phone: (219) 458-2411

RESOLUTION 79-112-13

WHEREAS, JAMES D. STARNES has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Kuhlman Street between Moore Drive and Hillegas Road (between lots 19, 20, 25 and 26 in Pierce Park Addition) as recorded in Plat Book #10, pages 88-89 December 21, 1923 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA)

) SS:
COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 25, 1992 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 25th DAY OF March 1992

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works

Kath A. Carrier
Katherine A. Carrier
Member, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, JAMES D. STARNES has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Kuhlman Street between Moore Drive and Hillegas Road (between lots 19, 20, 25 and 26 in Pierce Park Addition) as recorded in Plat Book #10, pages 88-89 December 21, 1923 in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 24, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, March 2, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF March 1992

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Kuhlman Street between Moore Drive and Hillegas Road

Reason for Project

The adjacent property owner would like to vacate the street in order to clean up the area.

Discussion (Including relationship to other Council actions)

24 February 1992 - Public Hearing

James Starnes, 2737 W Washington Ctr Road, petitioner appeared before the Commission. Mr. Starnes stated that this street, to his knowledge, had never been improved and that it was currently maintained by the neighbors. He stated that they would like to vacate the street in order to clean up the area.

Steve Smith stated that the map shows Moore Street connecting and open onto Butler and questioned if that was correct.

Mr. Starnes stated that Moore Street connects to Butler.

Steve Smith questioned if it also connected to Sheaffer Avenue.

Mr. Starnes stated that it did not. He stated that Sheaffer Avenue was also an unimproved street.

Steve Smith questioned then if Moore Drive was the only access in and out of the area.

Mr. Starnes stated that it was.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
James Starnes

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for condition

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pas

DETAILS

Eldon Bieber, 2820 Hillegas Road, appeared before the Commission in favor of the vacation. Mr. Bieber stated that he was owner of two of the adjacent lots and he felt that there was no need for the right-of-way to remain dedicated. He stated that the area residents have been maintaining this area for years and that it does not serve any purpose to anyone except for the adjacent property owners.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

2 March 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

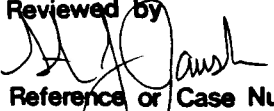
Date 13 January 1992

Projected Completion or Occupancy

Date 9 March 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 9 March 1992

Reviewed by

Reference or Case Number

Date
27 MARCH 1992

#448
ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Vacation of Kuhlman Street, between Moore Drive and Hillegas Road.

B-92-02-19

EFFECT OF PASSAGE Property is currently dedicated public right-of-way. Property will be vacated and revert to the ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public right-of-way.

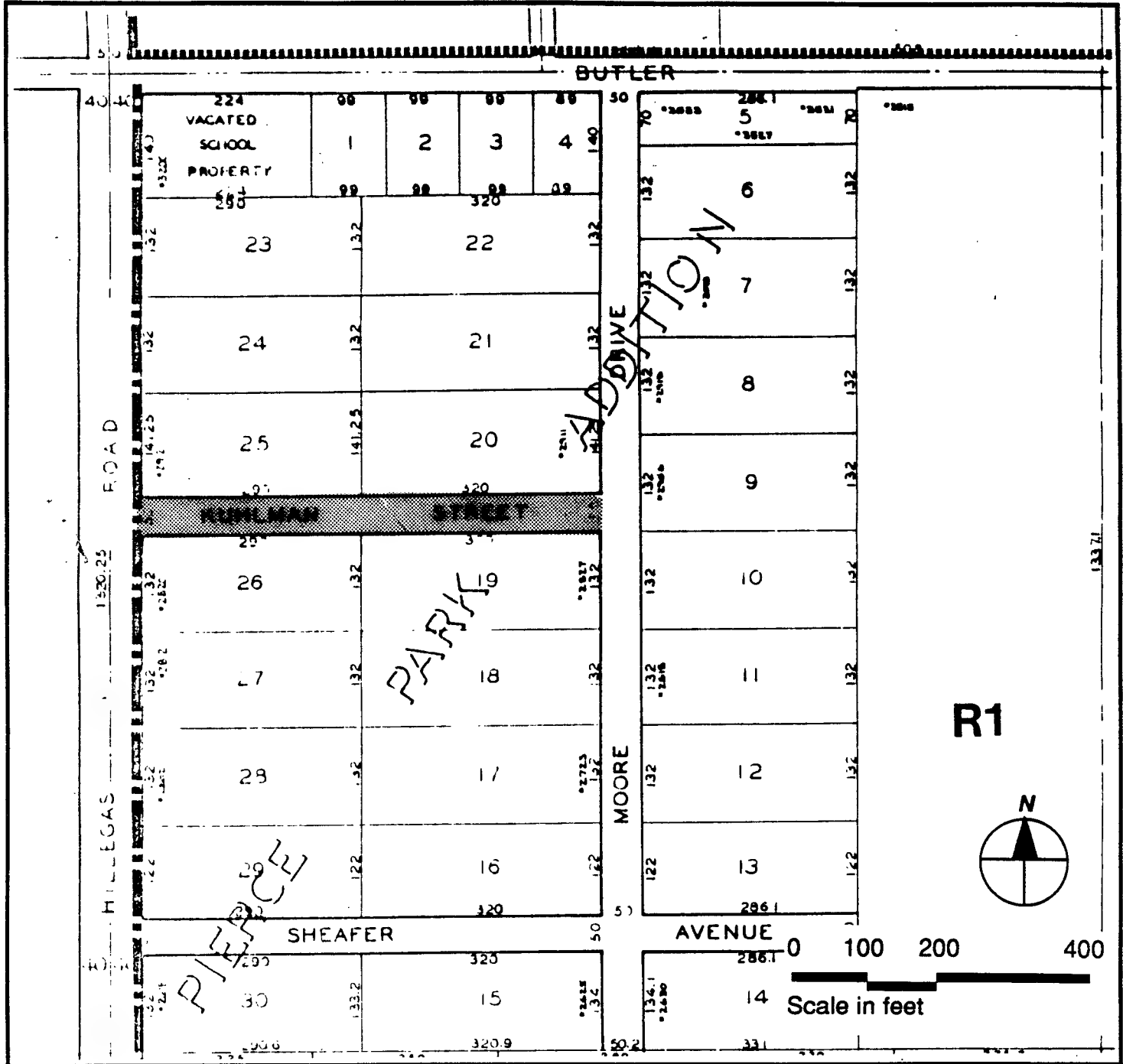
MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

VACATION PETITION

AREA MAP

CASE NO. #498



COUNCILMANIC DISTRICT NO. 3

Map No. H - 18
LW 1-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. G-92-02-19

REPORT OF THE COMMITTEE ON REGULATIONS

CLETUS R. EDMONDS, CHAIRMAN
JANET G. BRADBURY, VICE CHAIRWOMAN
RAVINE, TALARICO, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM
WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the

Thoroughfare Plan of the City Comprehensive ("Master") Plan by
vacating a street thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>C. R. Edmonds</u>			
<u>J. G. Bradbury</u>			
<u>D. Schmidt</u>			
<u>S. Talarico</u>			
<u>R. Ravine</u>			

DATED: 4-14-92.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 1, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of April 4, 1992, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-92-02-19
Street Vacation

Bill No. G-92-02-21
Utility Easement Vacation

Bill No. G-92-02-22
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

April 1, 1992

James Starnes
2737 W. Washington Ctr Road
Lot 242
Fort Wayne, Indiana 46818

NOTICE OF A PUBLIC HEARING ON BILL NO. G-92-02-19

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Kuhlman Street between Moore Drive and
Hillegas Road

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF A PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-02-19)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, April 14, 1992, at 7:00 P.M., (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Kuhlman Street between Moore Drive & Hillégas Road (between lots 19, 20, 25 and 26 in Pierce Park Addition) as recorded in Plat Book #10, pages, 88-89 December 21, 1923 in the Office of the Recorder of Allen County, Indiana

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

From the Desk of:

Pat Biancaniello

3-30-92

James Starnes
2737 W Washington Ctr Rd
Lot 242
City 46818

PHONE: 489-9550

FW Common Council
(Governmental Unit)To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

20 lines, 1 columns wide equals 20 equivalent lines
at .33 cents per line\$ 6.60Additional charge for notices containing rule or tabular work
(50 percent of above amount)1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

7.60

TOTAL AMOUNT OF CLAIM

\$ 7.60

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 4, 19 92Title: Clerk

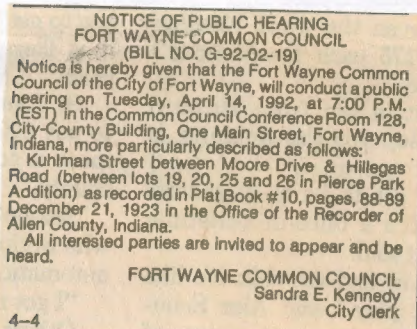
PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the _____ newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:

4/4/92Subscribed and sworn to before me this 4th day of April, 19 92.Notary Public Whitley County, IN
SHELLEY R. LARUEMy commission expires: March 3, 1994

FW Common Council

(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
 -- number of equivalent lines _____

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Tail -- number of lines _____

Total number of lines in notice _____

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1.00

TOTAL AMOUNT OF CLAIM

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Date: April 4, 19 92

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time _____, the dates of publication being as follows:
4/4/92

Subscribed and sworn to before me this 4th day of April, 19 92

Shelley R. Larue
 Notary Public Whitley County, IN
 SHELLEY R. LARUE

My commission expires: March 3, 1994NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-92-02-19)

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 All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL
 Sandra E. Kennedy
 City Clerk